

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	
)	
Cognis Corporation)	FINDING OF VIOLATION
2525 South Kensington Road)	
Kankakee, Illinois 60901)	EPA-5-04-IL-23
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U S C §§ 7401 <u>et seq.</u>)	

FINDING OF VIOLATION

The United States Environmental Protection Agency finds that Cognis Corporation is violating Section 112 of the Clean Air Act, 42 U.S.C. § 7412. Specifically, Cognis Corporation is violating the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Pharmaceuticals Production at 40 C.F.R. Part 63, Subpart GGG (Pharma-MACT) as follows

Regulatory Authority

1. The NESHAP for Pharmaceuticals Production was proposed on April 2, 1997 and became final on September 21, 1998. The owner or operator of an existing affected source must comply with the provisions of this subpart no later than October 21, 2002, as required under 40 C.F.R. § 63.1250(f)(1).
2. The NESHAP, at 40 C.F.R. § 63.1258(b)(1)(iv)(A)(2), requires the owner or operator of an affected source to establish the minimum bed regeneration temperature under worst-case conditions for each regenerative carbon adsorber.
3. The NESHAP, at 40 C.F.R. § 63.1258(b)(7)(1), states that for control devices operating at least four hours in an operating day, an excursion occurs when monitoring data are insufficient to constitute a valid hour of data for at least 75 percent of the operating hours.
4. The NESHAP, at 40 C.F.R. § 63.1258(b)(7)(111), states that monitoring data are insufficient to constitute a valid hour of data if measured values are unavailable for any of the required 15-minute periods within the hour.

5 The NESHAP, at 40 C.F.R. § 63.1258(b)(8), states that exceedances of parameters monitored according to the provisions of paragraph (b)(1)(iv), and excursions as defined by paragraphs (b)(7)(i) through (iii), constitute violations of the operating limit

Factual Background

6. Cognis Corporation owns and operates a chemical plant at 2525 South Kensington Road in Kankakee, Illinois 60901.

7. The Cognis Corporation facility is an affected source subject to the requirements at 40 C.F.R. Part 63, Subpart GGG.

8. Cognis Corporation owns and operates a regenerative carbon adsorber subject to the Pharma-MACT.

9. All tanks and process vessels dedicated to pharmaceutical production in Area 21 are connected, either directly or indirectly, to the carbon adsorber.

10. The minimum temperature to which the carbon adsorber bed is to be heated during regeneration is 240°F, as is established in the Notification of Compliance Status Report.

11. Cognis Corporation submitted a Periodic Report to the U.S. EPA on November 13, 2003 for the period from March 20, 2003 to September 19, 2003

12. In the Periodic Report, Cognis Corporation identified the following dates when the daily average bed regeneration temperature for the carbon adsorber exceeded 240°F: 5/7, 5/9, 5/10, 5/18, 5/19, 5/20, 5/28, 5/29, 5/30, 6/7, 6/8, 6/9, 6/10, 6/11, 6/12, 6/13, 6/18, 6/23, 6/24, 6/25, 6/26, 6/28, 6/29, 6/30, 7/1, 7/2, 7/3, 7/4, 7/5, 7/8, 7/9, 7/10, 7/11, 7/12, 7/13, 7/14, 7/15, 7/16, 7/17, 7/18, 7/20, 7/29, 7/30, 7/31, 8/1, 8/2, 8/3, 8/4, 8/5, 8/6, 8/7, 8/11, 8/12, 8/13, 8/14, 8/15, 8/16, 8/17, 8/18, 8/19, 8/20, 8/22, 8/24, 8/25, 8/26, 8/27, 8/28, 8/29, 9/1, 9/2, 9/3, and 9/8.

13. In the Periodic Report, Cognis Corporation identified the following dates when excursions of carbon adsorber monitoring data occurred: 4/5, 4/6, 4/8, 4/21, 6/25, and 8/21.


Violations

14. Cognis Corporation failed to keep the bed regeneration temperature of its carbon adsorber above 240°F on 72 days from

March 20, 2003 to September 19, 2003. These failures constitute violations of 40 C.F.R. § 63.1258(b)(8).

15 Cognis Corporation failed to have sufficient monitoring data on its carbon adsorber for six days from March 20, 2003 to September 19, 2003. These failures constitute violations of 40 C.F.R. § 63.1258(b)(8).

5/6/2004
Date



Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Finding of Violation, No. EPA-5-04-IL-~~23~~, by Certified Mail, Return Receipt Requested, to:

Julie Kendall, Environmental Specialist
Cognis Corporation
2525 South Kensington Road
Kankakee, Illinois 60901

I also certify that I sent copies of the Finding of Violation by first class mail to:

Julie Armitage, Section Manager
Compliance and Systems Management Section
Illinois Environmental Protection Agency
P.O. Box 19506
Springfield, Illinois 62794-9506

Emilio Salis, Regional Manager
Region 1
Illinois Environmental Protection Agency
9511 West Harrison Street
Des Plaines, Illinois, 60016

on the 6th day of May, 2004.

Shanee Rucker
Shanee Rucker,
Administrative Program Assistant
AECAS, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0177 3920